

ORDINANCE NO. BL2018-1183

An Ordinance amending Chapter 17.16 of the Metropolitan Zoning Code to add conditions to the uses of automobile repair and automobile sales, used. (Proposal No. 2018Z-003TX-001).

WHEREAS, cities have authority to regulate the location and operation of businesses within their boundaries, particularly in the aftermath of the U.S. Supreme Court decision in *Village of Euclid, Ohio v. Ambler Realty Co.* which established the general principle that zoning restrictions can legitimately be designed to protect public safety, health, and welfare of residents, specifically allowing the exclusion, separation, or limitation of particular types of land uses deemed harmful in some way to the local community; and

WHEREAS, Nashville, Tennessee has a high concentration of automobile repair and used automobile sales facilities along the major thoroughfares in the city; and

WHEREAS, automobile repair facilities and automobile services facilities deal with hazardous materials, emit harmful fumes, and produce hazardous waste, which are environmental and health concerns; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of automobile repair and used automobile sales facilities be further regulated through the Metropolitan Zoning Code.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.16.070, Commercial Uses, is hereby amended by adding the following to the end of subsection E.:

9. No automobile repair establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 2. That Section 17.16.070, Commercial uses, is hereby further amended by adding the following to the end of subsection F.:

9. No automobile sales, used establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 3. If any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of the Ordinance.

Section 4. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Mike Freeman
Member of Council